

Michigan IV-D Child Support Manual
Michigan Department of Health and Human Services

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1. Background and Legal Summary

In accordance with the Social Security Act¹ and the Support and Parenting Time Enforcement Act (SPTEA),² liens arise by operation of law in the amount of the support arrearage. Liens are against the real or personal property of the payer of support, in favor of the payee. Liens arising under the laws of another state are included in the state statutory definition of lien.³ In this manual section, “lien” refers to an administrative lien, which is a lien sent by a IV-D agency directly to a financial institution. Judicial liens, which are filed by a party or the Friend of the Court (FOC) in court and are granted by a judge, are not discussed in this manual section.

To increase the enforcement of child support, the federal government authorized the Financial Institution Data Match (FIDM)/Multi-State Financial Institution Data Match (MSFIDM) program in the Personal Responsibility and Work Opportunity

¹ 42 United States Code (USC) 666

² Michigan Compiled Law (MCL) 552.625a-i

³ Ref: MCL 552.625a.

Reconciliation Act (PRWORA) of 1996.⁴ FIDM is the process of matching information on obligors⁵ who owe support arrearages against records of their financial assets located in financial institutions. Financial assets and accounts held by a financial institution are accessible and verifiable sources of support that can be applied to support arrearages. In Michigan, the Office of Child Support (OCS) must “enter into agreements with financial institutions doing business in the state to collect the name, address, social security number, and account numbers for each parent who maintains an account at the financial institution and who owes past due child support as identified by the state.”⁶ OCS may request this information quarterly from the financial institutions.

In 1998, Congress amended PRWORA to authorize the federal Office of Child Support Enforcement (OCSE) to assist states by implementing a centralized data match between multistate financial institutions and OCSE’s Federal Parent Locator Service (FPLS).⁷ MSFIDM refers to data matches for financial institutions that operate in multiple states.⁸

The SPTEA⁹ has been amended several times; it currently authorizes IV-D agencies to administratively lien and levy financial assets without a court order through a “one-step” lien and levy¹⁰ process. The IV-D agency may levy against the obligor’s financial assets by sending a notice of lien and levy directing the financial institution to freeze¹¹ the obligor’s financial assets.¹²

In response to these statutes and the authority granted by MCL 400.240,¹³ the FIDM/MSFIDM lien and levy process is centrally performed by OCS Central Operations. OCS Central Operations is responsible for handling the data matches, sending liens, providing due process to obligors, and levying financial assets for child support cases where the arrearage amount exceeds 12 months of periodic

⁴ Public Law (PL) 104-193 of 1996

⁵ “Obligor” and “non-custodial parent (NCP)” are used interchangeably by partners within the child support program. Financial institutions are familiar with the term “obligor” since forms used in the lien and levy process in the past referred to an “obligor.” This manual section will use the term “obligor” to match the forms used in the FIDM/MSFIDM process.

⁶ MCL 400.234a

⁷ PL 105-200 of 1998; Ref: [MiCSES Customer Information Guide: Data Warehouse](#) for more information regarding the FPLS.

⁸ Multistate financial institutions can choose to simplify the data-match process by conducting one match with OCSE instead of matching with several states. For more information regarding MSFIDM, refer to Subsection 3.2 of this manual section.

⁹ MCL 552.601-650

¹⁰ “Seize,” “garnishment,” and “levy” refer to the process in which OCS collects the money from an account that has been frozen by a financial institution.

¹¹ “Freeze” refers to the process of a financial institution holding funds in an account so the funds cannot be accessed by an account holder.

¹² MCL 552.625a-i

¹³ MCL 400.240 authorizes OCS to centralize the enforcement of child support cases into a single department.

support. Additionally, OCS Central Operations may levy financial assets upon the request of the custodial party (CP) if the arrears on the docket exceed six months.¹⁴

As required by federal regulation,¹⁵ Michigan implemented procedures in 2017 to prevent the lien and levy of federally exempt funds. This provides additional safeguards to prevent low-income obligors from having their financial accounts garnished when their only income is from federal benefits that are exempt from garnishment.¹⁶

2. Data-Matching Eligibility

2.1 Valid Social Security Number (SSN)

To qualify for FIDM/MSFIDM, the obligor must have a valid SSN. The Michigan Child Support Enforcement System (MiCSES) validates all SSNs before submitting obligors for FIDM/MSFIDM. A valid SSN is indicated by a “Y” on the *Member SSN History* (MSSN) screen. MiCSES validates SSNs by ensuring the SSN is greater than zero and consists of nine digits (0-9). MiCSES also automatically verifies and validates any new or changed primary SSNs with the Social Security Administration through the Federal Case Registry.¹⁷

2.2 Qualifying Debt Types

MSFIDM is part of the Federal Offset Program. A docket qualifies for submittal to the Federal Offset Program if past-due support is owed on the docket. Federal regulations¹⁸ state that “past-due support” includes support owed to or on behalf of a qualified child,¹⁹ or a qualified child and the parent with whom the child is living if the same support order includes support for the child and the parent.

A docket qualifies for submittal for FIDM if past-due support is owed on the docket. Michigan statutes do not define “past-due support,” but “support” is defined as “the payment of money for a child or a spouse ordered by the circuit court....Support may include payment of the expenses of medical, dental, and other health care, child care expenses, and educational expenses.”²⁰

¹⁴ MCL 400.240

¹⁵ 45 Code of Federal Regulations (CFR) 307.11

¹⁶ Ref: Subsection 4.3.4 of this manual section for more information.

¹⁷ Ref: [Section 3.03, “Case Updates and Member Demographics,” of the Michigan IV-D Child Support Manual](#) for more information regarding the verification of SSNs.

¹⁸ 45 CFR 301.1

¹⁹ Prior to October 1, 2007, a “qualified child” meant a child who was a minor, or who, while a minor, was determined to be disabled, and for whom a support order was in effect. Since the adoption of the Deficit Reduction Act, debt submitted for the Federal Offset Program is no longer restricted to that for a minor child.

²⁰ MCL 552.502a(h)

MiCSES uses debt types to classify obligations.²¹ Each debt type is used for specific court-ordered obligations, as directed by state and federal laws and court rules. The debt types that qualify for FIDM/MSFIDM in MiCSES are referenced in the [MiCSES Debt Types and Activities Table](#).

Attorney Fees (AF) and recovery account amounts are not qualifying debt types for FIDM/MSFIDM. However, MiCSES currently includes AF and recovery accounts when calculating the qualifying arrearages for submission to the FIDM/MSFIDM program.²²

Medical Support – Medicaid (MD) and Payee Birth Expenses (PC) debt types no longer qualify for federal tax refund offset.²³ MiCSES uses one submission file for both FIDM/MSFIDM and federal tax refund offset; therefore, the MD and PC debt types are not being submitted as qualifying debt for either program. However, MD and PC debt types qualify for a lien on financial assets and are therefore included in the arrearage amount identified on the lien forms generated from the *Administrative Levy* (ADLV) activity chain.²⁴

Spousal support debt is included in the qualifying debt types for submittal to the Federal Offset Program; however, MiCSES does **not** submit spousal support debt (or any other debt) when the case is coded as non-IV-D (“L” type case in the *Case Type* field on the *Case Member Details* [CASE] screen in MiCSES).²⁵ Additionally, MiCSES does not submit non-IV-D debts for FIDM/MSFIDM.²⁶

2.3 Threshold Amount

An obligor is eligible for FIDM/MSFIDM once his/her docket has accrued an amount of arrearages equal to two months or more of support. However, MCL 400.240 states that for a lien to be filed by OCS Central Operations, the arrearage amount must be equal to 12 months or more of the support obligation. Therefore, MiCSES automatically submits an obligor’s name and SSN for FIDM/MSFIDM after the obligor has accrued 12 months or more of qualifying debt types on both currently charging dockets and on arrears-only dockets. If MiCSES is unable to determine the amount of the past obligation on an arrears-only docket, it will submit the obligor if \$2,500 or more is owed in qualifying debt types.

²¹ Ref: [Section 5.10, “Debt Types,” of the Michigan IV-D Child Support Manual](#).

²² Help Desk ticket # 516705 has been submitted to correct this issue.

²³ Ref: [Section 4.25, “Birth Expenses,” of the Michigan IV-D Child Support Manual](#).

²⁴ Ref: Subsection 4 of this manual section for more information on the administrative lien process.

²⁵ Ref: [Section 3.50, “Case Closure,” of the Michigan IV-D Child Support Manual](#) for more information about when a IV-D case closes and becomes non-IV-D.

²⁶ Ref: Section 5.10 of the *Michigan IV-D Child Support Manual* for more information on IV-D debts.

2.4 Bankruptcy

The Bankruptcy Abuse Prevention and Consumer Protection Act became effective on October 17, 2005. The Bankruptcy Act expands IV-D staff's ability to enforce child support cases after the NCP has filed for bankruptcy protection.²⁷

Bankruptcy information is located on the MiCSES *Member Demographics* (DEMO) screen. If the bankruptcy indicator on the DEMO screen is set to "Y" (Member in Bankruptcy), MiCSES will automatically exclude the case(s) from FIDM/MSFIDM. If the bankruptcy indicator is set to "N" (No Bankruptcy) or "R" (Relief from Stay), all available enforcement remedies will be taken, including FIDM/MSFIDM.

When a case is submitted for FIDM/MSFIDM and the bankruptcy indicator on the DEMO screen changes from "N" to "Y," MiCSES will delete the obligor from the Federal Offset Program.²⁸

2.5 Exclusion Indicators²⁹

An obligor's case may be excluded manually or automatically from submittal for FIDM/MSFIDM.³⁰ IV-D workers use the *Tax Offset Information and Update* (TAXI) screen in MiCSES to view and, with the appropriate security permissions,³¹ change the FIDM exclusion indicator. Exclusion indicators may be set automatically by MiCSES or manually by the worker at the IV-D case level.³²

Exclusion indicator values are:

- S (System) – MiCSES set the exclusion indicator;
- Y (Yes, exclude) – IV-D staff manually set the exclusion indicator; or
- N (No) or blank – Do not exclude.

Note: It is possible for the exclusion of an obligor to occur after his/her arrearage information is submitted for FIDM/MSFIDM.

²⁷ An obligor will not qualify for FIDM/MSFIDM if (s)he filed for bankruptcy before October 17, 2005 and the bankruptcy indicator has not been removed in MiCSES.

²⁸ Ref: [Action Transmittal \(AT\) 2008-014, REVISED: The Bankruptcy Abuse Prevention and Consumer Protection Act of 2005 \(Bankruptcy Act\)](#).

²⁹ Ref: [MiCSES Customer Information Guide: Tax Offset Process](#) for more information about automatic MiCSES exclusions.

³⁰ Policy regarding when it is appropriate to exclude a case from FIDM/MSFIDM will be addressed in a future publication of this manual section.

³¹ Ref: [MiCSES Customer Information Guide: MiCSES MMRO Listing: Roles and Privileges](#) for screen permissions.

³² For a FIDM exclusion indicator to be effective for the obligor, the exclusion indicator must be set for all of the obligor's IV-D cases.

3. Submission and Match Results

For FIDM/MSFIDM submission, MiCSES combines all qualifying arrears for obligors with different member IDs but with the same SSN. These obligors are considered “duplicate members.” For duplicate members, the member ID with the highest qualifying arrears is the “primary member”; (s)he is the member submitted. MiCSES submits the combined qualifying debt for all duplicate members under the primary member’s case and county, using the primary member’s address.³³

While the other remedies in the Federal Offset Program require an address, it is not mandatory in FIDM/MSFIDM-*only* submissions.

3.1 Michigan Financial Institutions

OCS has entered into agreements with Michigan’s financial institutions to conduct data matches on a quarterly basis through an OCS vendor. Federal law allows states to establish penalties against financial institutions for not reporting financial accounts or not complying with the terms of the agreement.³⁴ If a financial institution has been compliant in the past and then becomes noncompliant, OCS Central Operations will refer the matter to the Office of the Attorney General (AG) for assistance.³⁵

Michigan’s financial institutions may choose one of two data-match methods to exchange information with OCS. In each method, MiCSES sends the names and SSNs of obligors who meet the FIDM/MSFIDM eligibility³⁶ to the MiCSES Data Warehouse (DW) on a daily basis. The OCS vendor is then able to retrieve the file from the DW.

3.1.1 Method 1 – OCS Vendor Matches

With this method, the financial institution provides a master account list to OCS’s vendor once every three months. The OCS vendor then matches the list against the obligor names and SSNs in the DW and transmits the matches back to the DW.

3.1.2 Method 2 – Financial Institution Matches

With this method, the OCS vendor sends the file containing the names and SSNs from the DW to all Michigan financial institutions that choose

³³ Ref: [Section 6.21, “Tax Refund Offset,” of the Michigan IV-D Child Support Manual](#) for more information on duplicate members.

³⁴ MCL 400.234

³⁵ Ref: Subsection 8.2, “The Office of the Attorney General (AG),” of this manual section for more information.

³⁶ Ref: Subsection 2, “Data-Matching Eligibility,” of this manual section for more information.

Method 2 once every three months.³⁷ The financial institutions match the OCS vendor file against their account holders and return the matches to the OCS vendor. The OCS vendor then loads the matches into the DW for further processing. Although the OCS vendor submits the data quarterly to the financial institutions, matches are returned every day since each financial institution runs its matches on a different schedule. The financial institution has 45 days to respond to the file sent by the OCS vendor.

3.2 MSFIDM³⁸

Multistate financial institutions may choose to match either with the OCS vendor or with OCSE. OCSE has entered into arrangements with participating multistate financial institutions to match through the FPLS. OCSE conducts multistate financial institution matches quarterly using Method 2.³⁹

Every week, MiCSES sends the file containing the names and SSNs of the obligors who meet the FIDM/MSFIDM eligibility to OCSE as part of the Federal Offset Program. OCSE then sends the file to the financial institutions that participate in MSFIDM. The multistate financial institution has 45 days to compare the file to its accounts and return the matches to OCSE. OCSE disburses the match data to the state IV-D agencies within 48 hours.⁴⁰

OCSE returns the matches to Michigan through the DW. Although the multistate financial institutions submit the data quarterly to OCSE, there are daily match returns since each financial institution conducts its matches on a different schedule.

3.3 Match Results

The financial institution must provide OCS, through the OCS vendor, the following obligor information, which is then loaded to the DW if a FIDM/MSFIDM match occurs:

- Name;
- Address;
- SSN;

³⁷ OCSE chooses to match through this method for MSFIDM. Ref: Subsection 3.2, “MSFIDM,” of this manual section for more information.

³⁸ Ref: Subsection 1, “Background and Legal Summary,” of this manual section for more information regarding MSFIDM.

³⁹ Ref: Subsection 3.1.2, “Method 2 – Financial Institution Matches,” of this manual section for more information.

⁴⁰ Cases that were submitted for FIDM/MSFIDM may be located using the *Lien and Levy Report* that can be generated from the MiCSES TAXI screen. For more information, reference the [MiCSES Quick Reference Guide: TAXI – Generate a Levy List Report](#).

- Other taxpayer identification number; and
- Account information, including account number, amount in the account, type of account, and whether the account is solely or jointly owned.⁴¹

IV-D programs are required to have a process that automatically prevents the garnishment of Supplemental Security Income (SSI) payments or concurrent SSI and Social Security Disability Insurance (SSDI) benefits.⁴² SSI is cash assistance for people with limited income and resources who are age 65 or older, blind or disabled. The SSI program is administered by the Social Security Administration. SSDI benefits are insurance payments to individuals with a qualified disability who meet certain work requirements and have paid Social Security taxes.

As of December 8, 2017, when the DW receives a FIDM/MSFIDM match, the DW will load the account information onto the MiCSES *Financial Assets* (ASFN) screen. MiCSES will start the ADLV activity chain and progress the chain to the *Start FIDM Process* (SFIDM) minor activity.

At the SFIDM minor activity, MiCSES will match the FIDM/MSFIDM data with State Verification Exchange System (SVES) Title XVI data⁴³ to identify obligors who may be receiving SSI payments. The DW receives SVES information from the FPLS.⁴⁴ For obligors who may be receiving SSI, MiCSES will progress the ADLV activity chain to the *SSI Identified in SVES* (SSIRV) minor activity and send an SSIRV alert to the OCS Central Operations worker.⁴⁵

If an obligor is not receiving SSI payments, MiCSES will progress the ADLV activity chain to the *FIDM Match Loaded* (LFIDM) minor activity and send an alert to the FOC caseworker. This alert will notify the FOC caseworker to review the case for lien and levy eligibility.

For security reasons, only OCS Central Operations staff and FOC staff identified as FIDM coordinators⁴⁶ can access FIDM/MSFIDM information on the DW. All IV-D staff must treat this data as confidential with a high degree of security.⁴⁷

⁴¹ The account information does not include the type of funds in the account.

⁴² 45 CFR 307.11(c)(3)

⁴³ SVES data is in the DW Business Objects reports. For more information about SVES data, reference [MiCSES Report Description: SVES – State Verification Exchange System Reports, Business Objects Report Description: Member Income and Location Report \(LC-001\) \(MILR\)](#) and [Business Objects Report Description: Income and Location Report \(LC- 002\) \(ILR\)](#).

⁴⁴ Ref: [Locate](#) documentation on mi-support for more information about SVES reports.

⁴⁵ Ref: Subsection 4.3.4 of this manual section for more information.

⁴⁶ Ref: Subsection 8.1, “FOC FIDM Coordinators,” of this manual section for more information.

⁴⁷ Ref: [Section 1.10, “Confidentiality/Security,” of the Michigan IV-D Child Support Manual](#).

4. Administrative Lien Process

4.1 FOC Responsibilities Before Lien

The FOC caseworker has an opportunity to review the docket and, if applicable, exclude the case from FIDM prior to OCS Central Operations proceeding with a lien. MiCSES will send an alert to the FOC caseworker when the ADLV activity chain is at the LFIDM minor activity. The FOC caseworker will have seven days from the alert date to decide whether to exclude the docket from lien and levy.

4.1.1 FOC Excludes Docket

If the FOC caseworker determines that no further FIDM action should be taken, (s)he will enter the “NF” (No Further Action Can Be Taken at This Time) reason code on the *Enforcement Processor* (ENFP) screen ADLV activity chain. The FOC caseworker also will provide a reason on the *Notes Processor* (NOTE) screen for excluding the docket from a lien. The note is necessary for file/audit history.

Examples of valid exclusion reasons may include, but are not limited to:

- Full payment from the NCP through other funds;
- A pending or recently completed review and modification causing an adjustment to the arrearage amount; or
- An approved arrearage payment plan.

Additionally, the FOC caseworker must determine whether to update the FIDM indicator on the TAXI screen to exempt the docket from submission for the next match. If the docket should no longer be exempted, the FOC caseworker must update the FIDM indicator on the TAXI screen to ensure the docket will be submitted for the next match.

4.1.2 FOC Does Not Exclude Docket

If the seven days have passed, and the FOC caseworker has not made a determination, OCS Central Operations staff will research the case conditions and, when the case meets the criteria for a lien, send a lien to be placed on the obligor’s financial assets to pay arrearages owed on the docket.

Note: A CP may request that an FOC caseworker send a lien for an obligor. If the obligor has not been submitted for FIDM/MSFIDM because the arrearage amount has not reached the 12-month threshold, the FOC caseworker must contact OCS Central Operations to request a lien be sent. OCS Central Operations must then verify that the docket’s arrearages exceed at least six months of periodic support before sending

a lien to the financial institution.⁴⁸ Michigan law only allows the use of the six-month threshold by OCS Central Operations when a party requests the lien enforcement.

4.2 OCS Central Operations Review of FIDM/MSFIDM Information

OCS Central Operations staff will begin researching the matches in MiCSES to determine if the dockets and assets are eligible for lien and levy. Dockets are **not** eligible for lien and levy when:⁴⁹

- The type of account, asset, or payment is exempted from lien and levy per federal or state law;
- FOC staff have exempted the docket from FIDM submission on the TAXI screen;
- FOC staff have excluded the docket from a FIDM/MSFIDM lien on the ADLV activity chain on the ENFP screen;
- FOC staff or the court has exempted the docket from enforcement on the *Support Order Entry* (SORD) screen;
- The obligor has filed for bankruptcy;⁵⁰
- There is not enough money in the account;⁵¹ or
- The qualifying debt on the docket meets the threshold for FIDM/MSFIDM enforcement.

Note: The FIDM/MSFIDM information located in the DW is available through reports created in Business Objects.⁵² OCS Central Operations staff may use the DW as a discovery tool for the lien and levy process.

OCS Central Operations staff must review FIDM/MSFIDM information to ensure that the arrearage amount on a docket meets the threshold for a lien⁵³ and that the amount in the bank account is sufficient for a lien.

4.2.1 Arrearage Amount Calculation

If the arrears balance still qualifies for a lien after the OCS Central Operations worker has subtracted the debt types not eligible for

⁴⁸ MCL 400.240

⁴⁹ Each of these elements is discussed in detail within this manual section.

⁵⁰ When an obligor has multiple cases in different counties and one FOC caseworker exempts a case for bankruptcy while the other county FOC caseworkers do not, the OCS Central Operations worker will contact all the county FOCs involved and verify whether the case should be excluded.

⁵¹ Some states require that a bank account contain a minimum amount of funds in order to lien the account.

⁵² Ref: [MiCSES Customer Information Guide: Financial Institution Data Match – FIDM/MSFIDM](#) for more information.

⁵³ Ref: Subsection 2.2, “Qualifying Debt Types,” of this manual section for more information on excluding AF and recovery accounts.

FIDM/MSFIDM, then OCS Central Operations staff will send a lien for the obligor's financial assets.

4.2.2 Sufficient Bank Account Amounts

OCS Central Operations staff may proceed with a lien on all checking accounts with a balance that is greater than \$1 because the amount of funds in a checking account is more likely to fluctuate due to deposits and withdrawals. OCS Central Operations staff may proceed with a lien on all savings accounts where the balance exceeds \$100 because the amount is less likely to change, and due to resource constraints, it is not practical to lien savings accounts with lower balances.⁵⁴

Note: If the obligor files for bankruptcy before OCS Central Operations staff send a lien for his/her bank account, OCS Central Operations staff must not pursue a lien.⁵⁵ If OCS Central Operations staff send a lien for an account and the obligor later files for bankruptcy, the lien may continue, but OCS Central Operations must not seize the assets until after the bankruptcy is completed. OCS Central Operations staff will request assistance from the AG's office if there is a question about the validity of a lien when the obligor files for bankruptcy.⁵⁶

4.3 Accounts and Assets That Are Not Subject to Lien

Michigan statutes and federal law specifically exclude certain types of accounts from lien and levy. However, excluded accounts may still be attachable through the judicial process.

4.3.1 Accounts Excluded by the Support and Parenting Time Enforcement Act (SPTEA)⁵⁷

The SPTEA specifically removes certain account types from the definition of account, which makes these accounts ineligible for a lien and levy. Excluded accounts include a(n):

- Trust;
- Annuity;
- Qualified individual retirement account (IRA);

⁵⁴ These account thresholds are general guidelines and may not apply in every case. For example, when the FOC requests a lien be sent, it may result in Central Operations staff pursuing a lien on accounts that do not meet the threshold. Central Operations staff will document these situations on the NOTE screen in MiCSES.

⁵⁵ Ref: AT 2008-014 for detailed information on the impact of bankruptcy on enforcement and the actions IV-D staff must take for the obligor regarding this and other enforcement remedies in MiCSES.

⁵⁶ Ref: Subsection 8.2, "The Office of the Attorney General (AG)," of this manual section for more information on requesting AG assistance.

⁵⁷ MCL 552.602

- Account covered by the Employee Retirement Income Security Act;
- Pension or retirement plan; and
- Insurance policies.

Note: This manual section does not discuss insurance policies. For information about using the administrative lien and levy process for insurance proceeds, reference [Section 6.30, “Liens – Insurance,” of the Michigan IV-D Child Support Manual](#).

Some of these excluded account types are discussed below.

A. Trusts

When a trustee pays trust income to a beneficiary and the beneficiary deposits the income into his/her personal financial account, it is no longer trust property. OCS Central Operations staff may proceed with a notice of lien to the financial institution where the funds are located.

B. Annuities

When annuity income is deposited into an annuitant’s personal financial account, it is no longer exempt from administrative lien and levy. OCS Central Operations staff may proceed with a notice of lien to the financial institution where the funds are located. Reference Subsection 4.3.1(D) below for information on individual retirement annuities.

C. Retirement Accounts

The Employee Retirement Income Security Act prohibits the seizure of accounts classified as private pension plan benefits except through a Qualified Domestic Relations Order (QDRO). Under Michigan law, retirement benefits from public employee retirement systems are only available for seizure with an Eligible Domestic Relations Order (EDRO).

If FIDM/MSFIDM locates a pension or retirement account, OCS Central Operations staff will provide the retirement account information to FOC offices through the FOC FIDM coordinator.⁵⁸ FOC staff may act on the information pursuant to local FOC policy and OCS QDRO policy.⁵⁹

⁵⁸ Ref: Subsection 8.1 of this manual section for more information.

⁵⁹ Ref: [AT 2003-013, Qualified Domestic Relations Orders and Eligible Domestic Relations Orders: Obtaining and Disbursement](#) for more information.

Once the retirement benefit has been deposited into a personal financial account, OCS Central Operations staff may send a lien for the funds in the account.

D. Individual Retirement Accounts (IRAs)

Michigan law provides for the levy of an IRA or IRA annuities, including any payments or distributions from the IRA, to pay child support by court order, not by administrative levy.⁶⁰ If there is a FIDM/MSFIDM match for an IRA, OCS Central Operations staff will contact the appropriate FOC FIDM coordinator(s) and provide the IRA information. FOC staff may act on the information pursuant to local FOC policy and OCS QDRO policy.

E. Thrift Savings Plans (TSPs)

A TSP is a retirement savings and investment plan for federal civilian employees and members of the uniformed services. Like other retirement accounts, Michigan law provides for the levy of a TSP to pay child support by court order, not by administrative levy. OCSE matches delinquent obligors to TSP account holders and provides those matches to OCS Central Operations with the MSFIDM information. OCS Central Operations staff provide the matches to all FOC FIDM coordinators who request the information.

Garnishment of a TSP account requires a very specific process that may differ from the process that FOC staff use to lien and levy other assets. Additionally, funds frozen and seized from a TSP account cannot be returned to the account, and there are tax implications for the account holder(s) when funds are withdrawn. FOC staff must review the OCSE-provided information about garnishing TSP accounts prior to initiating a lien. All questions regarding TSP accounts and the required lien process must be directed to OCSE or a TSP representative.⁶¹

4.3.2 Veterans' Benefits

Federal law prohibits the garnishment of veterans' benefit payments paid to the obligor pursuant to sections 501-562 of Title 38 of the USC when the entitlement of the payee is based on a non-service-connected disability or death, age, and need.⁶² However, periodic benefits or other payments granted as compensation for a service-connected disability

⁶⁰ MCL 600.6023(1)(j)

⁶¹ Ref: [Thrift Savings Plan Match Information](#) on the OCSE website for more information.

⁶² 5 CFR 581.104(b)

can be seized.⁶³ When these funds are deposited into personal financial accounts, the source of the funds is not indicated in the match report generated by OCS Central Operations. If a lien is placed on an account that contains exempt funds, the obligor must file a challenge with OCS Central Operations to have the funds released from the lien.⁶⁴

4.3.3 Student Assistance Funds

The Higher Education Act of 1965 prohibits the attachment, levy, or seizure of any grant, loan, or work assistance awarded to a person for higher education expenses.⁶⁵ When these funds are deposited into personal financial accounts, the source of the funds is not indicated in the match report generated by OCS Central Operations. When OCS Central Operations sends a notice of lien and levy for an account that contains student assistance funds, the obligor must file a challenge to the lien with OCS Central Operations to have the funds released. If student assistance funds are commingled with other funds in a personal account, it will not make the student assistance funds eligible for lien.

4.3.4 Supplemental Security Income (SSI) Payments

SSI funds are not eligible for lien and levy pursuant to federal law.⁶⁶ Although these funds are not identified in the FIDM information, MiCSES will automatically identify the obligors who may be receiving SSI payments. If an obligor may be receiving SSI payments, MiCSES will send an SSIRV alert to notify OCS Central Operations that an ADLV chain requires a review for SSI payments. Although the alert indicates a review is required, the OCS Central Operations worker will not conduct a review. When MiCSES sends this alert, the worker must close the ADLV activity chain and not pursue a lien when the obligor may be receiving SSI payments.⁶⁷ Nothing further is required of the worker. If SSI funds are commingled with other funds in a personal account, it will not make the SSI funds eligible for lien.

If OCS Central Operations sends a notice of lien and levy for an account that contains SSI payments, the obligor may challenge the lien at any time, even after OCS has disbursed the funds.

⁶³ 5 CFR 581.104(c)(7)

⁶⁴ Ref: Subsection 5.2, "Requesting an Administrative Review of the Lien/Levy," of this manual section for more information.

⁶⁵ 20 USC 1095a(d)

⁶⁶ 5 CFR 581.104(j)

⁶⁷ After collecting and analyzing data, OCS may revise the policy of uniformly closing every ADLV chain associated with an NCP who may be receiving SSI benefits. OCS may find that the immediate discontinuation of the chain and lien is too broad. It may find that there may be other funds in the NCP's account that are subject to lien and levy and that could provide support to the family.

4.3.5 Federal Payments

On May 1, 2011, Section 212 of Title 31 of the CFR became effective. This regulation states that IV-D agencies may seize certain federal benefit payments⁶⁸ through lien and levy, and financial institutions are required to honor the notice of lien.

Under the regulation, a financial institution must determine whether an order was obtained by the United States or issued by a state child support enforcement agency. The financial institution may rely on a *Notice of Right to Garnish Federal Benefits* that is attached or included with the notice or order.⁶⁹

Upon receiving the *Notice of Right to Garnish Federal Benefits*, financial institutions must proceed with the lien and levy process as if there were no federal benefit payments contained in the account.⁷⁰ This may cause some lien-exempt funds to be seized. If this occurs, the obligor(s)/another account holder(s)⁷¹ will be responsible for challenging the lien⁷² with OCS Central Operations to have the lien on those funds released.⁷³

Because of this regulation, OCS updated the affected lien forms to include the *Notice of Right to Garnish Federal Benefits* language that informs financial institutions of OCS's authority to levy funds and accounts containing federal benefit payments. In addition, the affected lien forms explain the obligor's/other account holder's responsibility to challenge the lien.

4.4 Multiple Dockets

If an obligor has multiple dockets, OCS Central Operations staff may send one *Financial Institution Notice of Lien and Levy and Disclosure* (FEN321) for all dockets that meet the lien threshold at that time. However, only dockets with qualifying arrearage amounts are eligible for a lien. OCS Central Operations staff will not include any docket that **alone** does not meet the lien threshold.

⁶⁸ Federal employee pay, workers' compensation, and federal "black lung" benefits are examples of types of payments that are eligible to be seized. However, as stated in Subsections 4.3.2 to 4.3.4, veterans' benefits, student assistance funds, and SSI payments are exempt from lien and levy.

⁶⁹ Ref: 31 CFR 212.4.

⁷⁰ Ref: Department of Treasury, Financial Management Service, March 2011 publication, *Guidelines for Garnishment of Accounts Containing Federal Benefit Payments*.

⁷¹ "Another account holder(s)," which includes a joint account holder(s), refers to another person(s) who owns the financial account with the obligor. There may be more than one other account holder in addition to the obligor. FIDM forms use a variety of terms to refer to multiple account holders.

⁷² For more information, reference Subsection 5.2 of this manual section.

⁷³ Ref: [OCSE Policy Interpretation Question \(PIQ\)-09-01, Garnishment of Federal Payments for Child Support Obligations](#) for detailed information on the types of funds that are exempt from garnishment.

The OCS Central Operations worker will generate a lien form on each of the eligible dockets in MiCSES to advance the ADLV chain. However, only one form with all the eligible dockets entered needs to be printed and sent to the financial institution. The OCS Central Operations worker will add comments on the NOTE screen for all cases explaining that a lien was generated using multiple dockets and was sent to the financial institution.

MiCSES will not automatically populate multiple dockets on all the lien and levy forms that it generates. However, multiple dockets will automatically populate on the *Request for Administrative Review of Lien* (FEN325) and the *Results of Administrative Review* (FEN326) forms. The fields that identify docket information are editable. OCS Central Operations staff must verify that the dockets listed on the FEN325 and FEN326 match those that were manually entered on the FEN321.

For the *Notice to Release Lien* (FEN327), the OCS Central Operations worker will generate the form in MiCSES, then manually type in each docket that was included on the FEN321. For each docket that is manually added, the worker must document on the NOTE screen that the docket was added to the FEN327.

4.5 Providing Notice of Lien and Levy by Operation of Law

MCL 552.625a requires IV-D staff to notify obligors that their real and personal property, including financial accounts, is subject to lien and levy by operation of law. This notice is provided by the *Notice of Rights and Responsibilities* (FEN003).⁷⁴ Before proceeding with a lien, OCS Central Operations staff must determine whether the FEN003 was sent to the obligor at any time during the life of the case. OCS Central Operations staff will do this by reviewing the *Delinquency Notice* (DNOT) and *Case Remedy* (CASE) activity chains on the ENFP and NOTE screens.

If the FEN003 was not mailed prior to initiating a lien action, OCS Central Operations staff will manually generate the FEN003, mail it to the obligor, and document this action on the NOTE screen. OCS Central Operations staff must wait at least seven calendar days before proceeding with the next step of the ADLV activity chain to allow time for the obligor to receive the notice and pay the arrearage amount.

4.6 Initiating Lien/Levy

If a docket qualifies for lien and levy, OCS Central Operations staff will advance the ADLV activity chain to make the case eligible for lien and levy.

⁷⁴ Ref: [AT 2008-030, Generating the Notice of Rights and Responsibilities \(FEN003\) for the Michigan Child Support Enforcement System \(MiCSES\) 5.1 Release](#) for more information.

OCS Central Operations staff will generate and print the FEN320 packet from MiCSES and send it to the financial institution. The FEN320 packet includes:

- *Financial Institution Notice of Lien and Levy and Disclosure* (FEN321);
- *Cover Letter to Financial Institution* (FEN322);
- *Notice of Rights and Responsibilities of Obligor (Payer) and Financial Institution* (FEN323); and
- *Request for Administrative Review of Lien* (FEN325).

The OCS Central Operations Departmental Manager or his/her designee is the designated “authorized representative” and must sign the FEN321 before it is sent to the financial institution. OCS Central Operations staff must complete the Proof of Service on the FEN321 by identifying the date, time, and method of service (either by first-class mail or fax).⁷⁵ Once the lien/levy has been initiated, the OCS Central Operations worker will begin the process of perfecting⁷⁶ the lien.

Note: Currently, MiCSES will not generate the lien forms for intergovernmental cases where Michigan is the responding state. For these cases, OCS Central Operations staff must manually create and complete the lien forms from the form templates. Additionally, OCS Central Operations staff must document these steps on the NOTE screen for the docket in MiCSES.⁷⁷

4.7 Perfection of Lien

A lien is “perfected” once the lien is sent to the financial institution and OCS Central Operations staff and the financial institution have provided all notices required by law. After the lien is perfected, the financial account may be levied (seized) according to state law.

4.7.1 Financial Institutions Located in Michigan

OCS Central Operations staff will either fax or mail the FEN320 packet to financial institutions that are located in Michigan. The FEN320 packet must not be emailed to a financial institution.⁷⁸ The financial institution must complete the Disclosure on the FEN321 and mail or fax a copy to OCS Central Operations. In addition, the financial institution must mail or fax copies of the lien and levy forms to the obligor and any other account holders. OCS Central Operations staff will enter the account balance

⁷⁵ Ref: Section 1.10 of the *Michigan IV-D Child Support Manual* for information regarding the secure use of faxes.

⁷⁶ “Perfecting” refers to the process in which OCS establishes the authority and ability to seize the funds in an account that has been frozen.

⁷⁷ Help Desk ticket #516705 has been submitted to correct this issue.

⁷⁸ Ref: Section 1.10 of the *Michigan IV-D Child Support Manual* for more information.

from the Disclosure into MiCSES on the ASFN screen. OCS Central Operations staff must wait 21 days⁷⁹ before taking further action on the lien to allow the obligor or other account holders an opportunity to challenge the lien.⁸⁰ If the account balance is zero, OCS Central Operations staff will update the ADLV activity chain to “NF” (No Further Action Can Be Taken at This Time).

4.7.2 Financial Institutions Located in Other States

Federal IV-D laws do not identify a standard process for administrative lien and levy. The Social Security Act authorizes the state’s IV-D agency to administratively attach and levy the delinquent obligor’s assets held in a financial institution. State law controls:

- The types of accounts that liens may be placed against;
- Exclusion amounts; and
- Due-process safeguards.

Because federal law does not standardize administrative lien and levy, some states may require a two-step levy process rather than Michigan’s one-step lien and levy. Additionally, the financial institution in the other state or the other state’s assisting IV-D agency may require the issuing agency to use the federal *Notice of Lien* form (FEN060).

OCS Central Operations staff will determine what process the other state requires to initiate a lien and levy of a financial account located in other states. If the financial institution accepts liens from Michigan, OCS Central Operations staff will follow the same process for Michigan financial institutions and will send the FEN320 packet directly to the financial institution.

OCS Central Operations staff must review the agreements with, and requirements of, the other state to determine the correct course of action for a financial institution in another state that does not accept liens directly from Michigan. OCS Central Operations staff will then do one of the following based on the other state’s requirements:

⁷⁹ Under MCL 552.625g, Central Operations staff have 28 days to instruct the financial institution to hold the funds until further notice; however, staff will not take action before 21 days to allow the obligor time to challenge the lien. If the financial institution has not received notification from Central Operations within the 28 days, it must remit the funds to the Michigan State Disbursement Unit (MiSDU). Ref: Subsection 7.1.1 of this manual section for more information on the steps that Central Operations takes after the 21 days have passed.

⁸⁰ Ref: Subsection 5, “Challenging a Lien,” of this manual section for detailed information on the challenge and review process.

- A. Generate and print either the FEN320 packet or the FEN060 form and send it to the other state's child support agency with a cover letter requesting assistance with enforcement of the lien;⁸¹
- B. Contact the other state to determine whether to process the *Child Support Enforcement Transmittal #3 – Request for Assistance/Discovery* (INTTRANS3) form for limited assistance registration for the FIDM/MSFIDM lien only or the *Child Support Enforcement Transmittal #1 – Initial Request* (INTTRANS1);⁸²
- C. Close the ADLV chain, enter notes in MiCSES to explain that the state where the financial institution is located requires full intergovernmental referral and registration for enforcement, and refer the case to the FOC FIDM coordinator for further action; or
- D. Close the ADLV chain and enter notes in MiCSES to explain that the case does not meet the other state's lien criteria.

If the FIDM/MSFIDM is for a docket that is already classified as intergovernmental and Michigan is the initiating state, the OCS Central Operations worker will request that a lien be pursued. (S)he will send a *Child Support Enforcement Transmittal #2 – Subsequent Actions* (INTTRANS2) form or faxed request to the responding state's FIDM processing department with a copy of the FIDM/MSFIDM report generated from Business Objects.⁸³

4.7.3 Liens Sent to Michigan by Other States' IV-D Agencies

- A. The SPTEA requires Michigan financial institutions to give full faith and credit to liens filed by other states' IV-D agencies when the lien complies with the requirements of Michigan statutes for an administrative lien.⁸⁴ OCS Central Operations staff will work with the other state when the other state's IV-D agency requests a lien be sent on their behalf. OCS Central Operations staff must contact the other state and verify that:

⁸¹ Some states allow Michigan to forward liens to the other state's child support agency, upon which the agency will forward the lien with a cover letter directing the financial institution to lien and levy the financial account. In these situations, Central Operations will not complete the Proof of Service on the FEN321. The other state's child support agency must complete the Proof of Service at the time the lien is forwarded to the financial institution. OCS's cover letter must inform the other state to complete the Proof of Service and send it back to Central Operations.

⁸² Ref: [Section 7.01, "Intergovernmental Overview"](#); [Section 7.05, "Initiating Cases"](#); and [Section 7.10, "Responding Cases,"](#) of the *Michigan IV-D Child Support Manual* for information on the forms to use in intergovernmental cases.

⁸³ Ref: [MiCSES Customer Information Guide: Financial Institution Data Match – FIDM/MSFIDM](#) for more information.

⁸⁴ MCL 552.625a(2)

1. The amount owed on the case exceeds two months of periodic support;
 2. The obligor has received notice that liens arise by operation of law and that the financial assets may be attached and seized if the threshold is reached; and
 3. The other state's notice of lien contains the levy amount, information that enables the financial institution to link the obligor with his/her financial assets, information on how to contact the other state's IV-D agency, and statements setting forth the rights and responsibilities of the financial institution and obligor.
- B. OCS Central Operations staff will forward to the financial institution the lien form(s) provided by the other state and include a *Letter to Financial Institution Regarding Out-of-State Lien* (DHS-660) explaining that the other state's lien meets Michigan's criteria, and that the financial institution must honor the lien. The DHS-660 is not located on MiCSES since the information entered will vary depending on the state that sent the lien. OCS Central Operations workers will:
1. Locate the form on mi-support;
 2. Complete the blank fields in the sentence "Due process will be afforded to the account holder under §_____ of the _____ State Law" with the statutory citation of the other state that affords due process to the obligor;
 3. Enter the amount of the lien, the name of the other state's IV-D agency, and the other state in the sentence "This Notice of Lien directs the financial institution to restrict/freeze any funds, up to \$_____. The _____ (other state's child support [IV-D] agency) will contact the financial institution when the funds should be levied, or released to the State of _____, based on the resolution of the lien";
 4. Complete the blank fields under the sentence "All questions regarding this lien should be directed to:" with the name of the other state's contact person, the name of the other state's IV-D agency, and the telephone and fax numbers of the contact person; and
 5. Complete the Proof of Service.

The DHS-660 includes information that is required by Michigan law for a lien and levy on a financial asset.⁸⁵ If an obligor challenges a lien that is sent from another state, OCS Central Operations staff will refer the obligor to the issuing state for a resolution.

OCS Central Operations must retain copies of all documents received from the other state's child support (IV-D) agency, and all documents

⁸⁵ MCL 552.625c(3)

sent from OCS Central Operations to the financial institution. The documents may be stored electronically; however, OCS Central Operations must ensure that the storage and the destruction of the documents complies with security and confidentiality requirements.⁸⁶ The documents must be stored for two years, and then may be destroyed.

4.7.4 Financial Institution Fails to Return the Completed Disclosure

When the financial institution does not return a completed copy of the Disclosure located on the FEN321 within seven days of the date the form was sent, OCS Central Operations staff must:

- A. Generate the *Letter to Financial Institution Inquiring About Levy Status* (FEN324);
- B. Select the instruction that states: “Complete the Disclosure on the *Financial Institution Notice of Lien and Levy and Disclosure* (FEN 321) as required by Michigan Compiled Law 552.625e(2). Please fax this information immediately to 888-600-1585”; and
- C. Send the FEN324 to the financial institution.

4.8 Change in Arrearage Amount

The amount of the arrearage owed by the obligor may change due to an event other than a challenge to the lien. When the amount of arrears increases, OCS Central Operations staff must not amend the lien amount because the timelines for challenging the lien will start over and an additional 21-day waiting period will be required. The obligor may challenge the lien if (s)he believes the amount of the lien is incorrect based on the amount of arrearages on the docket(s).⁸⁷ If the obligor does not challenge the lien, OCS Central Operations will inform the financial institution of the correct amount to remit after the challenge period has passed.⁸⁸

5. Challenging a Lien

The obligor and **all other account holders** have the right to challenge a lien placed on their financial accounts.⁸⁹

5.1 Obligor/Account Holder Rights and Responsibilities

The FEN323 informs the obligor or other account holder of the following information:

⁸⁶ Ref: Section 1.10 of the *Michigan IV-D Child Support Manual* for more information.

⁸⁷ Ref: Subsection 5.3.5, “Review Determination,” of this manual section for more information.

⁸⁸ Ref: Subsection 7.1, “Executing the Levy,” of this manual section for more information.

⁸⁹ MCL 552.625f

- His/her financial assets have been frozen;
- The financial assets will be sent to the MiSDU if the obligor or other account holder does not request in writing an administrative review of the lien within 21 days of the date the FEN321 was sent (the date the account funds were frozen according to the lien);
- The proper grounds on which the obligor or other account holder must base his/her request for an administrative review;
- The obligor or other account holder may file a motion with the circuit court within 21 days after the administrative review is completed; and
- The obligor or other account holder may consent to the earlier release of funds by contacting OCS Central Operations and making arrangements to pay the arrears.

5.2 Requesting an Administrative Review of the Lien/Levy

5.2.1 Mistake of Fact

Either the obligor or other account holder has 21 days after the FEN321 is sent from the financial institution to request an administrative review of the lien/levy. The obligor or other account holder may challenge the lien/levy by claiming that there is a mistake of fact. A mistake of fact challenge will include an assertion that:

- A. The person owing support is not the account holder;
- B. The amount of the obligor's arrearage is incorrect;
- C. The funds in the account do not belong to the person owing support;
- D. The funds in the account are exempt from lien and levy; or
- E. The funds in the account are SSI payments.

Additionally, an obligor or other account holder may challenge the lien/levy at any time after the 21 days have elapsed if the mistake of fact challenge asserts that SSI payments have been garnished.

The obligor or other account holder will request the review either by sending to OCS Central Operations a written challenge to the lien, or by completing the FEN325 form and mailing it with any documents needed to prove the claim to:

OCS Central Operations
P.O. Box 30744
Lansing, MI 48909-8244

OCS Central Operations workers will respond to verbal requests for a review that claims a lien has been placed on SSI funds.

5.2.2 Documentation Needed

OCS Central Operations staff may ask the obligor or other account holder to submit additional information. This includes, but is not limited to, three months of bank statements, documentation that the funds are from an exempt source of income such as SSI,⁹⁰ or paycheck stubs.

Before OCS Central Operations denies a challenge to the lien because more specific information is needed, an OCS Central Operations worker will contact the obligor or other account holder as soon as possible and request additional information. The worker will provide an adequate time period for the obligor or other account holder to submit the documentation and will inform the obligor or other account holder that the review will proceed if (s)he fails to submit the documentation or contact the worker within the timeframe provided. For SSI challenges, this time period cannot exceed the seven-day review period.⁹¹ If the additional documentation is not provided within that time period, OCS Central Operations may proceed with the review determination.

OCS Central Operations may review supporting documents after the 21-day challenge period or after the seven days required for Central Operations to complete an administrative review only if:

- A written challenge was submitted within the 21 days;⁹² and
- OCS Central Operations has not already determined that the challenge was denied and the FEN326 was sent to the obligor.

5.2.3 Hold Funds Notification

Upon receipt of an administrative review request, OCS Central Operations staff must:

- A. Generate the FEN324;
- B. Select the instruction that states: “Do **not** transmit funds. **Hold** the funds until further notice from OCS Central Operations. The obligor or other account holder has requested an administrative review or has filed a motion challenging the lien”; and
- C. Send the FEN324 to the financial institution.

⁹⁰ Ref: Subsection 4.3.4 of this manual section for more information.

⁹¹ Ref: Subsection 5.3.2 for more information about SSI reviews.

⁹² The 21-day limitation does not apply to challenges based on incorrect garnishment of SSI.

These steps are required by state law⁹³ to allow the obligor an opportunity to file a motion in circuit court if (s)he disagrees with OCS Central Operations' determination of the challenge.⁹⁴

If the administrative review request claims a lien against SSI funds and the funds have been released and/or disbursed, OCS Central Operations does not need to follow the steps above. The OCS Central Operations worker will follow the procedures in Subsection 5.3.2 of this manual section.

5.3 OCS Central Operations Review Procedures

OCS Central Operations must complete the administrative review and send the determination to the obligor or other account holder within seven days of receiving the request for an administrative review. Except for challenges to liens against SSI payments, the seven-day review period may be extended if the OCS Central Operations worker requests additional supporting documentation.

5.3.1 Grounds for a Review

State law limits the reasons an obligor or other account holder can challenge a financial asset lien and levy. OCS Central Operations staff must only consider the claim that there was a mistake of fact.

If the obligor or other account holder indicates any grounds other than those listed in Subsection 5.2.1 above, OCS Central Operations staff will deny the challenge to the lien. OCS Central Operations staff will generate the FEN326 form, select the reason for the denial, and send the form to the person who requested the review. OCS Central Operations staff will not review the challenge any further.

5.3.2 Supplemental Security Income (SSI) Reviews

If an obligor challenges a lien because SSI payments are included in the account, OCS Central Operations must use the correct reason code when moving the ADLV chain to the administrative review step. This will help to ensure an appropriate resolution of the challenge. When the challenge indicates that the account contains SSI funds, OCS Central Operations must move the ADLV chain to the *SSI Review Needed* (S9) minor activity reason code. The S9 minor activity reason code should be used even if the SSI challenge is included with multiple other mistakes of

⁹³ MCL 552.625f(2)

⁹⁴ Ref: Subsection 5.4, "Circuit Court Review," of this manual section for more information.

fact in the request for review. An obligor may request a review of a lien against SSI payments at any time.⁹⁵

The OCS Central Operations worker must review SSI information in the SVES, MILR and ILR Business Objects reports⁹⁶ when:

- The obligor submits supporting documentation that does not substantiate the challenge; or
- The obligor fails to submit supporting documentation.

The OCS Central Operations worker may also submit a request through the Locate application on the Child Support Portal⁹⁷ to determine if the obligor is receiving SSI benefits.

The OCS Central Operations worker must complete the review of a challenge to a lien against SSI payments and make a determination within seven days. If the review is not completed within seven days, MiCSES will send a notice to the financial institution to release the lien if the funds are still with the financial institution. If the funds have been garnished, MiCSES will alert the OCS Central Operations worker to process a refund regardless of whether the funds have been disbursed. The worker will deny the challenge if:

- The reason the worker cannot complete the review is that the obligor provided insufficient information to support the challenge; or
- The worker cannot confirm in Business Objects reports that the obligor receives SSI.

5.3.3 Challenge From Another Account Holder(s)

If a challenge is made by another account holder, there is a rebuttable presumption of equal ownership of the account. This means that the obligor and the other account holder are presumed to be equal contributors to the account. For example, if there are two account holders (including the obligor), each is presumed to own 50 percent of

⁹⁵ If the ADLV activity chain is closed, the OCS Central Operations worker must open a new ADLV activity chain.

⁹⁶ SVES data is in the DW Business Objects reports. For more information about SVES data, reference [MiCSES Report Description: SVES – State Verification Exchange System Reports, Business Objects Report Description: Member Income and Location Report \(LC-001\) \(MILR\)](#), and [Business Objects Report Description: Income and Location Report \(LC- 002\) \(ILR\)](#).

⁹⁷ Responses to locate requests on the Child Support Portal may take several days. For more information about submitting locate requests on the Child Support Portal, reference [Section 3.06, “Federal Child Support Portal,” of the Michigan IV-D Child Support Manual](#).

the joint account.⁹⁸ OCS Central Operations staff will review the other account holder's challenge and relevant documentation to determine whether more than 50 percent of the account should be attributed to the other account holder, and therefore should be exempt from lien.⁹⁹ A successful challenge by the other account holder will not prevent future lien action from being taken as long as the obligor remains an owner of the account.

5.3.4 Multiple Requests During the 21-Day Review Period

With one exception, OCS Central Operations workers are required to complete only one administrative review within the 21-day period during which the obligor or other account holder may request a review.¹⁰⁰ If OCS Central Operations receives a second request during the 21 days, the initial review was already completed, and a FEN326 was already sent to the obligor, the OCS Central Operations worker will inform the obligor that (s)he must file a motion in the appropriate circuit court to challenge the administrative review determination.

If the second request indicates that there are SSI payments in the funds subject to the lien, OCS Central Operations must complete a second review only if:

- The obligor did not include this assertion in the first request for review; or
- The initial challenge based on a lien against SSI was denied because the worker did not receive sufficient information from the obligor or the worker could not confirm the information in Business Objects reports.

When a second review is requested because of potential SSI funds in the account, the ADLV activity chain associated with the first request may be closed. If the chain is closed, the OCS Central Operations worker must open a new ADLV activity chain.

5.3.5 Review Determination

After reviewing the challenge and all relevant information, the OCS Central Operations worker will take appropriate action based on the determinations discussed below. Whenever a review is completed, the OCS Central Operations worker must send the FEN326 to inform the obligor and the other account holder of the review determination.

⁹⁸ *Danielson v. Lazoski* 209 Mich App 623, 625-26; 531 NW2d 799 (1995); "Joint" refers to a type of account with multiple account holders.

⁹⁹ Ref: Subsection 5.3.5, "Review Determination," of this manual section for more information.

¹⁰⁰ SSI challenges are exempt from the 21-day limitation.

The FEN326 has an editable field for another account holder(s). The OCS Central Operations worker should use this field only to enter the name and address of another account holder. The OCS Central Operations worker should not insert the obligor's name and address in this field.¹⁰¹

Possible review determinations and tasks for OCS Central Operations workers are discussed below.

A. The lien is not proper and should be released.

This determination may be appropriate when the OCS Central Operations worker has confirmed the following mistakes of fact:

- The person owing support is not the account holder;
 - The funds in the account do not belong to the person owing support; or
 - The funds in the account are exempt from lien and levy.
1. OCS Central Operations will receive the majority of challenges before the financial institution has released the funds (see an exception in Subsection 5.35[A][2] below). After making the determination, the OCS Central Operations worker will:
 - a. Generate the FEN326;
 - b. Select the option "Incorrect. Based on the supporting documents you provided, OCS will release the funds on hold. Please allow 3 to 5 business days for the funds to be released";
 - c. Send the FEN326 to the obligor; and
 - d. Notify the applicable financial institution(s) to terminate the lien by generating and completing the FEN327 and sending it to the financial institution and the obligor.
 2. If the challenge is to a lien on SSI payments and the determination is made after the financial institution has sent the funds to the MiSDU, regardless of whether the funds have been disbursed, the OCS Central Operations worker will initiate a refund by:

¹⁰¹ The NCP's address must be generated from MiCSES. If the address in MiCSES is not accurate, the OCS Central Operations worker will update it in MiCSES. For information on updating an address in MiCSES, reference [Section 3.15, "Addresses," of the Michigan IV-D Child Support Manual](#). If OCS Central Operations staff update a mailing address, they must inform the FOC FIDM coordinator that the address has been updated.

- a. Progressing the ADLV chain to the *Review Receipts for Refund* (REFND) minor activity;
- b. Completing the *MiSDU Request for Central Receipt Adjustment/Suspense Work Form* (DHS-307);
- c. Sending the DHS-307 to dhs-ocs-suspensemgt@michigan.gov, explaining that federal regulations require that OCS return the funds to the obligor within five days of the date the review was completed. The OCS Central Operations worker must include this date in the email;¹⁰²
- d. Generating the FEN326 and selecting the option “Incorrect. Based on the supporting documents you provided, OCS will return the funds that have been incorrectly taken. Please allow 5 business days for the refund to be processed”; and
- e. Sending the FEN326 to the obligor.

The MiSDU will process and issue the refund by the date noted on the DHS-307.

B. The arrears amount is incorrect, but the docket still qualifies for a lien.

This determination may be appropriate when the OCS Central Operations worker has confirmed¹⁰³ that there is a mistake of fact because the amount of the obligor’s arrearage is incorrect. After this determination is made, the following actions will occur:

1. The OCS Central Operations worker will generate the FEN326 to send to the obligor and will select the option “Incorrect. Based on the supporting documents you provided, OCS will change the lien amount to \$[] and notify the financial institution.”
2. The OCS Central Operations worker will generate the *Notice of Conditional Release of Lien* (FEN335), indicate the amount to be sent to the MiSDU, and send the form and a cover letter to the obligor to sign so that the correct amount of his/her arrearage will be levied. All account holders must sign the form. The cover letter must include:
 - a. Detailed instructions on how to complete the form;
 - b. A statement informing the recipient that all account holders must sign the form;
 - c. Directions to have the form notarized; and
 - d. Contact information for OCS Central Operations.

¹⁰² 45 CFR 307.11(c)(3)

¹⁰³ Confirmation of arrears may require the worker to consult the FOC as described in Subsection 5.3.5(E).

3. When the FEN335 is received from the obligor, the OCS Central Operations Departmental Manager or his/her designee must sign the form and then send it to the financial institution. This will allow the financial institution to release the correct amount to the MiSDU. OCS Central Operations must not increase the lien amount.¹⁰⁴ If the obligor fails to sign and return the FEN335, OCS Central Operations will wait until the 21-day challenge time period has passed, and then must:
 - a. Generate the FEN324;
 - b. Select the instruction that states: “A determination has been made regarding the validity of the lien in this matter, and the time period for the obligor or other account holder to challenge the lien has expired. **Please amend the lien amount** and send \$_____ and a copy of the *Financial Institution Notice of Lien and Levy and Disclosure* within seven calendar days to the MiSDU at P.O. Box 30355, Lansing, MI 48909-7855”; and
 - c. Send the FEN324 to the financial institution.

C. No mistake of fact found.

1. This determination is appropriate when the challenge does not identify a mistake of fact. The OCS Central Operations worker will:
 - a. Generate the FEN326;
 - b. Select one of the options below:
 - 1) “Correct. You have not claimed that a mistake of fact exists. Michigan law says only a claim of a mistake of fact can be reviewed to determine if the lien on your account is correct”;
 - 2) “Correct. You did not provide any supporting documents for your claim that there is a mistake of fact”;
 - 3) “Correct. The supporting documents that you provided are not enough to support your claim that there is a mistake in your identity or in the amount of past-due support. Specifically:” or
 - 4) “Correct. The Friend of the Court notified you on or about _____ of the amount of past-due support. No supporting documents were given to OCS to show that the amount is incorrect.”
 - c. Send the FEN326 to the obligor or other account holder.

¹⁰⁴ Ref: Subsection 4.8, “Change in Arrearage Amount,” of this manual section for more information.

2. The obligor and other account holders have an additional 21 days after the date the FEN326 is sent to file a motion with the circuit court. After 21 days from the date the FEN326 was sent, the OCS Central Operations worker will:
 - a. Generate the FEN324;
 - b. Select the instruction that states: “A determination has been made regarding the validity of the lien in this matter, and the time period for the obligor or other account holder to challenge the lien has expired. Please send \$_____ and a copy of the *Financial Institution Notice of Lien and Levy and Disclosure* within seven days to the MiSDU at P.O. Box 30355, Lansing, MI 48909-7855”; and
 - c. Send the FEN324 to the financial institution.

D. Account is jointly owned, and a portion of the lien should be released.

This determination is appropriate when OCS Central Operations confirms that the funds in the account do not solely belong to the obligor.

1. The OCS Central Operations worker will generate the FEN335, indicate on the form the amount to be sent to the MiSDU, and send the form with a cover letter to the account holders to sign so that only the obligor’s portion of the account will be levied. The cover letter must include:
 - a. Detailed instructions on how to complete the form;
 - b. A statement informing the recipient that all account holders must sign the form;
 - c. Directions to have the form notarized; and
 - d. Contact information for OCS Central Operations.
2. All account holders must sign the FEN335 to release any portion of the lien prior to the expiration of the 21-day challenge period. The obligor or another account holder will then send the FEN335 back to OCS Central Operations. The OCS Central Operations Departmental Manager or his/her designee must sign the form and send it to the financial institution. This will allow the financial institution to send the obligor’s portion of the amount to the MiSDU and release the amount that is owned by another account holder. If the obligor fails to sign and return the FEN335, OCS Central Operations will wait until the 21-day challenge period has passed, and then must:

- a. Generate the FEN324;
 - b. Select the instruction that states: "A determination has been made regarding the validity of the lien in this matter, and the time period for the obligor or another account holder to challenge the lien has expired. **Please amend the lien amount** and send \$_____ and a copy of the *Financial Institution Notice of Lien and Levy and Disclosure* within seven calendar days to the MiSDU at P.O. Box 30355, Lansing, MI 48909-7855";
 - c. Send the FEN324 to the financial institution; and
 - d. Generate the FEN326, selecting the option: "Incorrect. Based on the supporting documents you provided, OCS will change the lien amount to \$[] and notify the financial institution." The OCS Central Operations worker will send the FEN326 to the obligor.
- E. FOC investigation is needed.

This determination is based on a challenge that indicates the amount of the obligor's arrears is incorrect. If the OCS Central Operations worker cannot make an arrearage determination by reviewing the information provided by the obligor or another account holder and MiCSES, (s)he will ask the FOC FIDM coordinator to investigate further. The OCS Central Operations worker will send the *Letter to Obligor that Case Referred for Investigation* (FEN337) to notify the obligor. The FEN337 must be sent within seven days after the challenge was received by OCS Central Operations.

The FIDM coordinator must respond or request additional time within five calendar days of the date OCS Central Operations requests an investigation. If the FIDM coordinator does not respond within this period, the OCS Central Operations worker will contact the FIDM coordinator to request a status update. If no information is received from the FIDM coordinator by the requested date, the OCS Central Operations worker will make a determination based on the information presented by the obligor and generate and send the proper result forms as identified above. If the OCS Central Operations worker believes that the obligor has a basis for the mistake in the arrears amount, then the OCS Central Operations worker will either release the lien or send the obligor the FEN335 to complete so that only the lower amount of arrears will be seized, and the remaining amount of funds in the account can be released.

Note: If after review, the OCS Central Operations worker determines that the NCP may qualify for an arrears management strategy,

the OCS Central Operations worker may refer the NCP to the FOC for more information.¹⁰⁵

5.4 Circuit Court Review

If the obligor or another account holder disagrees with the result of the administrative review, (s)he has an additional 21 days from the date that OCS Central Operations staff sent the FEN326 to file a motion with the circuit court for a review of the lien and administrative determination.¹⁰⁶ An obligor or another account holder must file a separate motion in the circuit court for each docket identified on the lien if each docket is located in a different county. The obligor or another account holder must notify OCS Central Operations of the motion(s).¹⁰⁷ If OCS Central Operations staff do not receive notification of the motion(s) within the additional 21-day period, they will continue the lien process.

Once the court has made a determination, the obligor or another account holder must send a copy of the court order to OCS Central Operations. OCS Central Operations staff will then do the following:

- If the court upholds the lien, or upholds a reduced lien amount, select the appropriate action on the FEN324. Send the FEN324 and the court order to the financial institution, and continue with the levy of the assets.
- If the court does not uphold the lien, send a copy of the court order and the FEN327 to the financial institution to release the lien.

6. Release of Lien

6.1 Reasons for Release of Lien

A lien may be released for the following reasons:

- OCS Central Operations staff have determined through the administrative review process that the lien was not appropriate because of a mistake of fact;
- The obligor has provided proof that the entire account is comprised of funds that are exempt from lien and levy;
- OCS Central Operations staff have determined in the case of a joint account that the obligor is not entitled to the account;
- The circuit court determined the lien was not appropriate and ordered it to be released; and/or

¹⁰⁵ Ref: [Section 6.51, "Arrears Management," of the Michigan IV-D Child Support Manual](#) for more information.

¹⁰⁶ MCL 552.625f(4)

¹⁰⁷ If AG representation in response to the motion is needed, OCS Central Operations staff will refer to Subsection 8.2 in this manual section.

- The obligor has paid the child support arrears in full.

To release a lien, OCS Central Operations staff will generate the FEN327 and send a copy to the financial institution and to the obligor.

If OCS Central Operations does not make a determination on a challenge based on a lien against SSI payments within seven days, MiCSES will automatically generate a notice for the financial institution to release the lien or alert the worker that a refund is necessary.

6.2 Expedited Resolution of the Lien

When the obligor notifies OCS Central Operations that (s)he would like a resolution of the lien prior to the expiration of the 21-day holding period, OCS Central Operations staff will generate the FEN335 form and send it to the obligor. The form authorizes the financial institution to immediately transfer the funds in the account to satisfy the arrears on the case. The obligor and other account holders, if applicable, must complete the form and submit it to OCS Central Operations staff for processing at the address provided on the form. After the OCS Central Operations worker reviews the form to ensure it has been completed properly, (s)he will sign the form and send it to the financial institution to complete the lien and levy process.

7. Levy

7.1 Executing the Levy

The FEN323 directs the financial institution to freeze and hold the financial assets up to the lien amount for 21 days, or until the financial institution receives notice from OCS Central Operations to release the funds. There is no legal requirement for OCS Central Operations to take further action on a lien once the 21-day challenge period has passed and there has been no challenge. However, OCS Central Operations staff will send the financial institution a notification that states the time period for a challenge has passed and reminds the financial institution to remit the funds. To prepare the notification, OCS Central Operations staff will review each docket to confirm the arrears amount.

7.1.1 Notifying the Financial Institution

OCS Central Operations will prepare and send the FEN324, which will inform the financial institution of the proper amount of funds to remit¹⁰⁸ to the MiSDU and the results of any challenges to the lien.

¹⁰⁸ The amount must not be greater than the amount identified on the FEN321. If the arrears amount has decreased, Central Operations must identify the current amount of arrears that is eligible for lien and levy. Funds remitted by the financial institution may **only** be applied to dockets that were included in the notice of lien.

- A. When there have been no changes to the amount of funds to be submitted, the OCS Central Operations worker must select the instruction on the FEN324 that states: “A determination has been made regarding the validity of the lien in this matter, and the time period for the obligor or other account holder to challenge the lien has expired. Please send \$_____ and a copy of the *Financial Institution Notice of Lien and Levy and Disclosure* within seven calendar days to the MiSDU at P.O. Box 30355, Lansing, MI 48909-7855.”
- B. When the amount of arrears owed on the docket(s) subject to the lien has been reduced, the OCS Central Operations worker must select the instruction on the FEN324 that states: “A determination has been made regarding the validity of the lien in this matter, and the time period for the obligor or other account holder to challenge the lien has expired. **Please amend the lien amount** and send \$_____ and a copy of the *Financial Institution Notice of Lien and Levy and Disclosure* within seven calendar days to the MiSDU at P.O. Box 30355, Lansing, MI 48909-7855.”

The financial institution will release the funds to the MiSDU 28 days after the FEN321 was sent unless OCS Central Operations notifies the financial institution that the obligor or another account holder challenged the lien and the assets should be held until further notice.

7.1.2 Liquidating Assets

The financial institution must convert/liquidate assets into cash form in order to send the money to the MiSDU.¹⁰⁹ The financial institution may deduct the fees, costs, or penalties for converting the assets prior to sending the payment to the MiSDU. MiCSES will only credit the obligor with the amount actually sent to the MiSDU.

7.1.3 Financial Institution Fails to Submit Money

Upon OCS Central Operations’ determination that the financial institution has not sent in the money from the bank account within seven days of the receipt of the FEN324 request to send funds, OCS Central Operations must:

- A. Generate the FEN324;
- B. Select the instruction that states: “The payment due in this case has not been received by the Michigan State Disbursement Unit (MiSDU), and the time frames for submitting payment have expired. Please submit payment with a copy of the *Financial Institution Notice of Lien*

¹⁰⁹ MCL 552.625g(3)

and Levy and Disclosure to the MiSDU immediately at P.O. Box 30355, Lansing, MI 48909-7855”; and
C. Send the FEN324 to the financial institution.

7.2 Collections

The MiSDU receives levied money from financial institutions, along with a copy of the FEN321. MiSDU staff will send OCS Central Operations a report containing the batch information necessary to identify the check image, the amount of each payment, and a daily total of FIDM collections.

If the amount of funds levied from the financial institution is less than the total amount of arrears identified on the FEN321 or FEN324, OCS Central Operations staff will allocate the funds received among the dockets included on the FEN321 through a pro rata distribution. OCS Central Operations staff will calculate the amount of funds allocated to each docket by multiplying the total amount of funds received by a percentage. They will determine this percentage by dividing the qualifying debt amount under each docket by the total amount of the qualifying arrearage under all of the dockets that have a lien.¹¹⁰ OCS Central Operations must then enter a note on the NOTE screen in MiCSES identifying the amount of funds that was collected on each case.

8. Coordination of Activities

8.1 FOC FIDM Coordinators

Each FOC office will designate at least one staff member as the office’s FIDM coordinator. The FIDM coordinator will be the same person and will have the same contact information as the office’s ICDM¹¹¹ coordinator. The ICDM coordinator’s contact information is published on mi-support under [Partner Contact Information](#). FOC staff will periodically review the contact information and change it if needed. County staff may update the contact information or add an additional contact by clicking the “Offer Feedback” icon in the upper-right side of the mi-support web page, typing in the requested changes, and clicking the *Submit feedback* button. The FOC FIDM coordinator is responsible for:

- Reporting FIDM-related problems/issues to OCS Central Operations;
- Providing obligor case information¹¹² and establishing a line of communication concerning the potential lien and levy activities with OCS Central Operations staff;

¹¹⁰ MCL 552.625i

¹¹¹ “ICDM” stands for “Insurance Claims Data Match.”

¹¹² Ref: Subsection 5.3.5, “Review Determination,” in this manual section for information regarding FOC timeframes for completing a case investigation.

- Providing a faxed copy of any motion and hearing information that affects the lien/levy to OCS Central Operations if they have not already received the motion from the obligor;¹¹³ and
- Coordinating hearing requests and determining whether OCS Central Operations staff need more information for any motions filed with the circuit court.

OCS Central Operations staff may contact the FOC FIDM coordinator if an obligor challenges a lien and the arrears need to be reviewed by the FOC.

8.2 The Office of the Attorney General (AG)

OCS has entered into an interagency agreement with the AG for representation in FIDM matters. The AG may provide legal advice and/or appear on behalf of the Michigan Department of Health and Human Services (MDHHS)/OCS in court proceedings. The AG's staff may contact OCS Central Operations to request further information on a case or the completion of an audit. OCS Central Operations staff will provide the needed information or will contact the FOC to request an audit.

When asking the AG for assistance on a case, the OCS Central Operations Departmental Manager will coordinate the request by first contacting the AG's office to explain that a request for assistance is forthcoming. OCS Central Operations staff will then complete the *Office of Child Support Attorney General Assistance Request* form (DHS-658).¹¹⁴ The completed form must be signed by the OCS Central Operations Departmental Manager, the Office of Child Support Director, and a representative of DHHS Legal Services. The OCS Central Operations Departmental Manager will obtain the required signatures and then send the form via encrypted email¹¹⁵ to the AG's office after all the required signatures have been obtained.

SUPPORTING REFERENCES:

Federal
11 USC 362
20 USC 1095a(d)
38 USC 501-562
42 USC 652(k)
42 USC 654(31)
42 USC 654A(g)
42 USC 657

¹¹³ The motion and hearing information must be recorded on the NOTE screen in MiCSES within five business days following the date the FOC received the information.

¹¹⁴ The DHS-658 is for use by OCS staff only and is available on SharePoint.

¹¹⁵ Ref: Section 1.10 of the *Michigan IV-D Child Support Manual* for more information.

42 USC 664
42 USC 666
42 USC 666(c)(1)(G)(ii)
5 CFR 581.104(b)
5 CFR 581.104(c)(7)
5 CFR 581.104(j)
31 CFR 212
31 CFR 212.4
31 CFR 285.3
45 CFR 301.1
45 CFR 302.60
45 CFR 302.70(a)(3)
45 CFR 303.72
45 CFR 303.102
45 CFR 307.11
45 CFR 307.11(c)(3)
PL 93-406
PL 97-35, Section 2331
PL 98-378
PL 104-193 of 1996
PL 105-200 of 1998
Higher Education Act of 1965

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MCL 205.30a
MCL 400.233
MCL 400.233a
MCL 400.234
MCL 400.234a
MCL 400.236
MCL 400.240
MCL 552.502a(h)
MCL 552.601-650
MCL 552.602
MCL 552.603(6)(b)
MCL 552.605b
MCL 552.624
MCL 552.625a-i
MCL 600.6023(1)(j)
Public Act (PA) 112 of 1998
PA 334 of 1998
PA 565 of 2002
PA 484 of 2004

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Administrative Memorandum 2000-11,
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26; 531 NW2d 799 (1995)

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708; 487 NW2d 521, (1992)

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IV-D Memorandum 2013-015
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